

**Amendment and Response**

Applicant: Kelly L. Morrison et al.

Serial No.: 10/686,385

Filed: October 14, 2003

Docket No.: C270.175.101

Title: SYSTEM AND METHOD FOR REMOTE PROCESSING OF PHARMACY ORDERS

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**REMARKS**

This is responsive to the Non-Final Office Action mailed April 15, 2009. In that Office Action, claims 1-4, 7-11, 14-16, and 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wallace et al., U.S. Patent No. 6,564,121 ("Wallace"). Claims 5, 6, 12, 13, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wallace in view of Gingrich et al., U.S. Publication No. 2004/0006490 ("Gingrich").

With this Response, claim 4 has been amended to correct a typographical error and claims 21-23 have been added. Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

**35 U.S.C. §§102, 103 Rejections**

As provided in claim 1, for example, embodiments of the present invention provide a method for remote processing of pharmacy workers, and include establishing at an order server a plurality of order queues for a plurality of healthcare facilities. Each of the order queues are associated with one of the plurality of healthcare facilities. Each of the plurality of order queues is assigned to one of a plurality of remote processing centers. At the order server, a plurality of orders from the plurality of healthcare facilities are received. Each of the plurality of orders are added to one of the plurality of order queues associated with one of the plurality of healthcare facilities. One of the plurality of remote processing centers assigned to an order queue accesses one of the plurality of order queues. The remote processing center assigned to the order queue then processes the orders in the accessed order queue.

Hence, embodiments of the present invention, such as recited in claim 1, provide for a plurality of order queues at an order server. These order queues are associated with one of the healthcare facilities. Each of the plurality of order queues are assigned to one of a plurality of remote processing centers. There are therefore a plurality of order queues in a remote server, and a plurality of remote processing centers available to access one of the plurality of order queues in the remote server. The plurality of remote processing centers allows pharmacists of a plurality of remote processing centers around the country to connect to the order server. Once connected to

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the server, the different remote pharmacists may view the hospital order queues specific to each of the different hospitals that these pharmacists support. This allows for a distribution of workload, as well as permitting a redundancy. See paragraphs [0040] and [0041], for example.

The Examiner refers to columns 11 and 12 in the rejections of claims 1, 7 and 14. Columns 11-12 relate to the embodiment depicted in Fig. 3 of Wallace. As seen, only a single pharmacy controller 326 is provided, and not a plurality of remote processing centers, as required by the language of claim 1. Furthermore, there is no plurality of order queues provided at the server 328 of Wallace. Nor are there queues associated with each of the plurality of healthcare facilities. The workstation 322 appears to have a queue database that is accessible for a read only data workstation 322 (column 12, lines 5-7). This queue, kept at the workstation 322, appears to be available to the pharmacy controller 326. When services are completed, the pharmacy controller 326 places into a dispense queue the Rx information for the sending workstation 322. The server 328 is said to contain and maintain all the information necessary to dispense a drug and effectively function as a mainframe, (column 11 lines 33-35). The server 328 passes to the client browser the necessary codes to cause the RCD 324 to dispense the drug requested. Once the services are completed and the pharmacy controller 326 places into a dispense queue the Rx information for the sending workstation 322, the sending workstation 322, in turn, sees it as an item in its queue and dispenses that item using one of the methods to dispense a drug from hardware (column 12, line 17-22). This description in Wallace makes clear that Wallace does not show or suggest, much less reasonably make obvious, having a plurality of order queues at the order server, with each of the order queues being associated with one of the plurality of healthcare facilities. Each workstation 322 has a local queue, but the server 328 is not disclosed as having any queue in the cited sections of Wallace, and certainly not separate queues for separate healthcare facility. By utilizing an ID for each dispenser, a separate queue for each dispenser would merely create unnecessary complexity and additional processing effort and U provide a readily apparent advantage.

For the above reasons, Wallace cannot be said to disclose or reasonably make obvious an order server with a plurality of order queues for a plurality of healthcare facilities. Nor can

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Wallace be said to disclose or reasonably make obvious that each of the order queues are associated with one of the plurality of healthcare facilities. Further, since there are not a plurality of order queues at the server, Wallace cannot assign each of the plurality of order queues to one of a plurality of remote processing centers. Nor can Wallace be said to disclose or reasonably make obvious adding each of a plurality of orders received from a plurality of healthcare facilities to one of the plurality of order queues associated with one of the plurality of healthcare facilities. Finally, Wallace cannot be said to disclose or reasonably make obvious accessing one of the plurality of order queues from one of the plurality of remote processing centers assigned to the order queue. Failure to disclose a single step in the claimed method or reasonably make obvious a claimed feature would lead to a conclusion that the claimed method was not obvious. In the instant case, Wallace does not disclose or reasonably make obvious a number of the different claimed steps. Therefore, claim 1, as well as claims 2-6 which depend from claim 1, should be considered allowable over the Wallace reference.

Claim 7 relates to a method for remote processing of pharmacy orders and establishes that an order server has a first order queue for a first healthcare facility and a second order queue for a second healthcare facility. For similar reasons as provided above with respect to claim 1, Wallace cannot be said to disclose or reasonably make obvious at least this step and the other steps in claim 7. The rejection of claim 7 and those claims dependent therefrom, including claims 8-13, should be reconsidered and withdrawn.

Similarly, claim 14 relates to a system for remote processing of pharmacy orders and comprises a plurality of order queues, with each of the order queues associated with a healthcare facility. An order server is provided for receiving orders from a healthcare facility and adding them to the order queues according to the associated healthcare facility and for responding to requests for accessing and processing orders in the plurality of order queues. At least one remote processing center is provided for accessing and processing orders in a plurality of order queues. The Wallace reference does not disclose or reasonably make obvious an order server that has a plurality of order queues, as discussed above. For at least this reason, as well as others, claim 14

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and those claims dependent therefrom, including claims 15-21 should be considered allowable over Wallace.

Gingrich was cited as showing it was well known in the art to provide for procedural checks as dictated by contractual obligations or guidelines. Gingrich does not overcome any of the deficiencies noted above with respect to Wallace. Therefore, even if Gingrich was combined with Wallace, the combination would not make obvious the claims of the present invention. Each of the dependent claims inherits the patentability of one of the independent claims 1, 7 and 14. Therefore, these dependent claims should be considered patentable over the combination of Wallace and Gingrich. Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 102 and 35 U.S.C. §103 are respectfully requested.

**Newly Presented Claims**

Dependant claims 21-23 (from claims 1, 7 and 14, respectively) have been added to further distinguish over Wallace by reciting that the plurality of order queues on the order server are separately maintained. Wallace simply provides no evidence for separately maintaining a plurality of order queues and thus claims 21-23 are also allowable.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-23 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-23 are respectfully requested.

Claim fees of \$156 are required under 37 C.F.R. 1.16(i) and provided. If any other fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Todd R. Fronck at Telephone No. (612) 767-2522, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

**Dicke, Billig & Czaja, PLLC**  
ATTN: C270 Matters  
Fifth Street Towers, Suite 2250  
Minneapolis, MN 55402  
Customer No. 79105

Respectfully submitted,

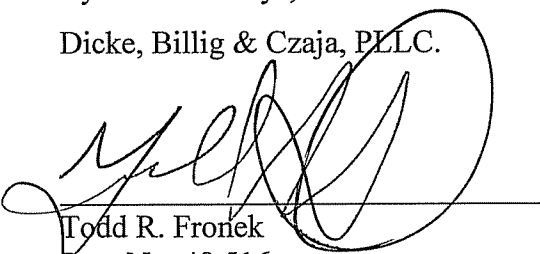
Kelly L. Morrison et al.,

By their attorneys,

Dicke, Billig & Czaja, PLLC.

Date: 7/15/07

TRF:skh

  
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Todd R. Fronck  
Reg. No. 48,516